IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSADY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 11129 of 2004

Between:

M/s. Torus India Ltd. (Formerly Known as M/s. Kinnera Steels Ltd.)
Factory at Industrial Estate, Kothagudem - 507 101, Khammam District,
Rep by its Director Sri N. Krishna Rao

..... PETITIONER

AND

1 Employee's Provident Fund Organization, Sub Regional Office at A.P.S.F.C. Building, Balasamudram Road, Hanumakonda, rep by its Regional Provident Commissioner.
2 Assistant Provident Fund Commissioner, Employee's Provident Fund Organization, Sub Regional Office, at A.P.S.F.C. Buildings, Balasamudram Road, Hanumakonda.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue notice, call for records, quash and set aside the impugned proceedings No. A.P.SRO/WL/EPF/18984/2004/278, dated 12/05/2004, issued by the Respondents as the same in arbitrary, unjust and illegal and being violative of the provisions of E.P.F. & M.P. Act and Article 14,19(1)g), 20(2) & 300-A of the Constitution of India and to grant such other relief or relief's as the Petitioner is found to entitled in law by issue of a writ more particularly a writ in the nature of writ of certiorari or any other appropriate writ or order or direction as the Hon'ble Court be deem fit and proper in the interest of justice.

For the Petitioner: MR.CH.RAMESH BABU, Advocate

For the Respondents: MR.R.N.REDDY (SC FOR EMPLOY'S PF ORG.)

The Court made the following :

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ORDER

The only submission made by the learned counsel for the petitioner is that pursuant to the prohibitory order dt. 9-2-2004 a sum of Rs.1,66,577/- recoverable from the petitioner was recovered from the bank account for the period from 4/1999 to 09/2003 and thereafter the second respondent revoked the prohibitory order dt. 9-2-2004 on 22-4-2004. Again in the impugned certificate dt. 12-4-2004, it was shown a sum of Rs.1,41,891/- is due from the petitioner for the same period ie., from 4/99 to 9/2003, without furnishing any particulars, how they arrived at the figure.

In the counter-affidavit filed by the respondents, it is stated that out of the amounts received from the Bank, on issuing prohibitory order, a sum of Rs.59,197/- was adjusted towards arrear demand i.e., Rs.32,378/- towards damages under Sec. 14-B of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short "the Act") and Rs.26,819/- towards interest under Section 7-Q for the period from 8/89 to 2/90 and 3/92 to 7/99 as per the recovery certificate dt. 29-4-2003 and the petitioner is still due to pay a sum of Rs.59,197/- and interest at Rs.7,863/-. Accordingly, recovery certificate was issued on 12-4-2004 followed by the demand notice dt. 10-6-2004.

Having regard to the rival claims of the parties, it is appropriate to direct the petitioner to approach the respondents for furnishing necessary particulars, ie., amount recovered from the bank and adjusted the same under the various heads, and on making such request, the respondents shall furnish the amount due from the petitioner after making adjustments of the amounts already recovered.

The writ petition is accordingly disposed of. No costs.

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A.GOPAL REDDY,J

Dt. 4-11-2004

kmr

To

1. Regional Provident Fund Commissioner, Employee's Provident Fund Organization, Sub Regional Office at A.P.S.F.C. Building, Balasamudram Road, Hanumakonda.

2. Assistant Provident Fund Commissioner, Employee's Provident Fund Organization, Sub Regional Office, at A.P.S.F.C. Buildings, Balasamudram Road, Hanumakonda.

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